

*Detroit Public Schools
Advisory Council*

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Date: Wednesday, January 13, 2010

To: Tim Melton
State Representative 29th District
Chairman -House of Education Committee

From: Wes Ganson
Chairman- Detroit Public Schools Advisory Council

Subject: **HEARING REGARDING ACADEMIC CONTRAL
BEING GRANTED TO DETROIT PUBLIC
SCHOOLS FINANCIAL MANAGER
MR. ROBERT BOBB**



The following informational items are enclosed for your review:

- Article opposing Robert Bobb being in control over Academics over Detroit Public Schools
- Article written on April 26, 2009 on background of 4(four) companies Mr. Bobb selected over schools
- Article written on July 28, 2009 on background of 4(four) companies Mr. Bobb selected to be over schools
- Public Act 72 Financial Manager
- Public Act 25 School Improvement
- Article regarding school improvement measures in the State of Michigan
- Letter from Chairman of Detroit Public Schools Advisory Council requesting to establish monthly meetings with President of Detroit Board of Education and Acting General Superintendent.

NewsRx Science

April 26, 2009

UNIVERSITY OF CHICAGO PRESS JOURNALS;
Study: Privatized Philly schools did not keep pace

SECTION: EXPANDED REPORTING; Pg. 26

LENGTH: 578 words

Public middle-grades schools placed under private management in 2002 as part of a state-run overhaul of the Philadelphia School District did not keep pace with the rest of the city's public schools, according to a study published in the American Journal of Education.

The study, which tracked schools through 2006, found that test scores had improved in the privatized schools, but scores in the rest of the city's public schools improved at a much faster rate, leaving the privatized schools in the dust.

"By 2006, the achievement gap between the privatized group and the rest of the district was greater than it was before the intervention," says study author Vaughan Byrnes, a researcher at Johns Hopkins University. "Both groups improved, but the privatized schools improved at a slower rate."

Philadelphia became a national proving ground for public school privatization in 2002 when Pennsylvania state government officials took over the city's schools. As part of the restructuring effort, 45 of the worst performing schools were turned over to Edison Schools Inc. and several other private education management organizations. The rest of the city's schools remained under the control of the Philadelphia School District, which instituted its own reform efforts.

Byrnes' study analyzed reading and math scores from the Pennsylvania System of School Assessment test from 1997 to 2006 at 88 middle-grades schools. Most of the schools had either grades 6-8 or a K-8 configuration. The data allowed Byrnes to look at trend lines before and after the state intervention in both privatized and non-privatized schools.

"The schools placed under private management were significantly worse off than the rest of the district in 1997," Byrnes says. "But our data show that they were gaining on the rest of the district from 1997 to 2002 before the takeover." After the takeover, improvement at the privatized schools accelerated, but the rest of the district accelerated faster. As a result, the privatized schools were further behind the rest of the district by 2006 than they were before the takeover.

Byrnes says his results are consistent with previous research on Philadelphia school reform efforts.

Supporters of privatization have responded to previous critical findings by arguing that improvement in the privatized schools is stunted because these schools were the worst in the district. But this study casts serious doubt on that argument, because according to Byrnes' data, the privatized schools were not the district's worst.

"Five of the absolute worst schools in the district were restructured but remained under public control," Byrnes said. "Those schools did much better after 2002, outpacing the privatized schools, and perhaps even the rest of the district. That rules out the argument that the privatized schools improved more slowly because they were worse to start with."

Byrnes says that his study was not able to address potential differences in funding between the district and privatized schools.

"[T]here is no way to know whether the total per pupil funding was more or less in the district schools or the EMO (privatized) schools," Byrnes writes. "Therefore, the financial context of the school privatization is an issue that we were unable to examine here."

Keywords: University of Chicago Press Journals.

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Detroit Free Press (Michigan)

July 28, 2009 Tuesday

Would these firms improve DPS?

BYLINE: CHASTITY PRATT DAWSEY

SECTION: FRONT SECTION; Pg. 2A

LENGTH: 844 words

FREE PRESS EDUCATION WRITER

The most well-known and criticized of the four companies selected this month to redesign 17 Detroit high schools is Edison Learning Inc., formerly the Edison Project founded in 1992 to manage charter schools.

Edison managed Inkster Public Schools from 2000 to 2005. In 2005, MEAP scores at Inkster High fell in all but one category with the highest score at 40% of students passing the reading exam.

Those statistics highlight concerns about whether Edison Learning and three other consulting firms will be helpful in turning around performance at struggling schools.

The district also is vetting additional consultants to help redesign other low-performing schools, said spokesman Steve Wasko.

Keith Johnson, president
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Johnson, president -Search using:

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of the Detroit Federation of Teachers, said hiring the four firms is a bad move.

"They don't have a track record of success behind them," Johnson said.

EdisonLearning, a New York-based for-profit company, is to consult at six of the schools; EdWorks, an Ohio-based nonprofit, is to consult at five ; the Institute for Student Achievement, a for-profit based in Lake Success, N.Y., is to consult at three schools and Model Secondary Schools Project, a small for-profit company

in Bellevue, Wash., will work at three schools.

All but Edison specialize in creating small learning communities in large high schools.

Hiring the consultants shows guts and inspires hope, but it is no guarantee, said Sharif Shakrani, codirector of the Education Policy Center at Michigan State University.

"In some places, they have had success. In other places, they have not had very tangible success," Shakrani said of the companies. "The important question is, 'What lessons have they learned ... and how will they be able to apply that?' "

EdisonLearning Inc.

The most well-known and controversial of the firms, the Edison Project has been in the Philadelphia School District where it manages 15 schools – down from 20 in 2002 due to low performance.

Joseph Wise, chief education officer for EdisonLearning, said its consulting work in eight Hawaii high schools mirrors its plans for Detroit. After one year, the Edison students showed a 6.4% increase in math achievement while other students increased just 2%, said Mike Serpe, spokesman for EdisonLearning.

"We're using Hawaii and Philadelphia as a framework for what to do and not do," Wise said.

EdWorks

EdWorks primarily creates small high schools through the Ohio High School Transformation Initiative as well as the Ohio Early College High School Network that allows students to graduate with associate's degrees. Test scores at EdWorks schools vary, but graduation rates tend to rise.

At DPS, the company is to help staff create personalized learning plans for each student, revamp curriculum and review expectations, a relationship that usually lasts about five years, said Executive Director Harold Brown.

Dal Lawrence, past president of the Toledo Federation of Teachers, said EdWorks' schools have resulted in good partnerships, but no panacea.

Institute for Student Achievement

ISA has been planning this fall's launch of four small high schools within DPS's Cody High and five in Osborn High with funding from the Greater Detroit Education Venture Fund.

ISA has developed 80 small schools nationwide, often on a 5-year contract, touting the small schools approach as more engaging with higher graduation and college-acceptance rates. ISA's spokeswoman did not respond to requests for comment.

Michael Tenbusch, vice president of educational preparedness for United Way for Southeastern Michigan, authored the study "Meeting the Turnaround Challenge" last year, which reported that ISA will not work with a school unless allowed to help select the principal.

"ISA has a very effective model," he said.

Model Secondary Schools Project

MSSP developed the Detroit High School for Technology, a small school located within Pershing High, with funds from the Gates Foundation.

The graduation rate exceeds 96% each year, but standardized test scores lagged after the grant expired in 2005. This year, the 178-student school saw 4% of its students pass the Michigan Merit Exam in math and 24% in reading.

Now MSSP expects a 3-year contract, but the kinds of programs to be developed -- technology or health-related, for example -- will be up to staff and parents, codirector Linda Keller MacDonald said. "It's Detroit's high school and it's a Detroit decision how this gets organized."

Shakrani of MSU said within a year DPS should know whether the companies are worthwhile based on factors such as ninth-grade retention and failure rates and disciplinary suspensions.

Contact CHASTITY PRATT DAWSEY: 313-223-4537 or cpratt@freepress.com

If you go

The Detroit Board of Education is to meet Thursday to discuss plans to bar the emergency financial manager, Robert Bobb, from hiring the four companies. The meeting is to begin at 5 p.m. and be followed by a 6 p.m. committee of the whole meeting that Bobb is expected to attend.

The meetings are to be at the Detroit Public Schools Welcome Center, 3031 W. Grand Blvd.

LOCAL GOVERNMENT FISCAL RESPONSIBILITY ACT
Act 72 of 1990

AN ACT to provide for review, management, planning, and control of the financial operation of units of local government, including school districts; to provide criteria to be used in determining the financial condition of a local government; to permit a declaration of the existence of a local government financial emergency and to prescribe the powers and duties of the governor, other state boards, agencies, and officials, and officials and employees of units of local government; to provide for a review and appeal process; to provide for the appointment and to prescribe the powers and duties of an emergency financial manager; to require the development of financial plans to regulate expenditures and investments by a local government in a state of financial emergency; to set forth the conditions for termination of a local government financial emergency; and to repeal certain acts and parts of acts.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

The People of the State of Michigan enact:

ARTICLE 1
GENERAL PROVISIONS

141.1201 Short title.

Sec. 1. This act shall be known and may be cited as the “local government fiscal responsibility act”.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1202 Legislative determinations.

Sec. 2. The legislature hereby determines that the public health and welfare of the citizens of this state would be adversely affected by the insolvency of units of local government, including certain school districts, and that the survival of units of local government is vitally necessary to the interests of the people of this state to provide necessary governmental services. The legislature further determines that it is vitally necessary to protect the credit of the state and its political subdivisions and that it is a valid public purpose for the state to take action and to assist a unit of local government in a fiscal emergency situation to remedy this emergency situation by requiring prudent fiscal management. The legislature, therefore, determines that the authority and powers conferred by this act constitute a necessary program and serve a valid public purpose.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

ARTICLE 2
GOVERNMENTAL PROVISIONS

141.1211 Definitions.

Sec. 11. As used in this article:

- (a) “Chief administrative officer” means any of the following:
 - (i) The manager of a village or, if a village does not employ a manager, the president of the village.
 - (ii) The city manager of a city or, if a city does not employ a city manager, the mayor of the city.
 - (iii) The manager of a township, the superintendent of a charter township, or if the township does not employ a manager or superintendent, the supervisor of the township.
- (iv) The elected county executive or appointed county manager of a county; or if the county has not adopted the provisions of either Act No. 139 of the Public Acts of 1973, being sections 45.551 to 45.573 of the Michigan Compiled Laws, or Act No. 293 of the Public Acts of 1966, being sections 45.501 to 45.521 of the Michigan Compiled Laws, the chairperson of the county board of commissioners of the county.
- (v) The chief operating officer of an authority or a public utility owned by a city, village, township, or county.
- (b) “Emergency financial manager” means the emergency financial manager appointed under section 18.
- (c) “Local government” means a city, a village, a township, a county, an authority established by law, or a public utility owned by a city, village, township, or county.
- (d) “Review team” means the review team designated under section 13.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1212 Preliminary review by state treasurer; conditions; notice; meeting with local government; informing governor of serious financial problem.

Sec. 12. (1) The state treasurer shall conduct a preliminary review to determine the existence of a local government financial problem if 1 or more of the following occur:

(a) The governing body or the chief administrative officer of a local government requests a preliminary review under this article. The request shall be in writing and shall identify the existing financial conditions that make the request necessary.

(b) The state treasurer receives a written request from a creditor with an undisputed claim that remains unpaid 6 months after its due date against the local government that exceeds the greater of \$10,000.00 or 1% of the annual general fund budget of the local government, provided that the creditor notifies the local government in writing at least 30 days before his or her request to the state treasurer of his or her intention to invoke this provision.

(c) The state treasurer receives a petition containing specific allegations of local government financial distress signed by a number of registered electors residing within the jurisdiction of the local government equal to not less than 10% of the total vote cast for all candidates for governor within the jurisdiction of the local government at the last preceding election at which a governor was elected. Petitions shall not be filed under this subdivision within 60 days before any election of the local government.

(d) The state treasurer receives written notification from the trustee, actuary, or at least 10% of the beneficiaries of a local government pension fund alleging that a local government has not timely deposited its minimum obligation payment to the local government pension fund as required by law.

(e) The state treasurer receives written notification that employees of the local government have not been paid and it has been at least 7 days after the scheduled date of payment.

(f) The state treasurer receives written notification from a trustee, paying agent, or bondholder of a default in a bond payment or a violation of 1 or more bond covenants.

(g) The state treasurer receives a resolution from either the senate or the house of representatives requesting a preliminary review under this section.

(h) The local government has violated the conditions of an order issued pursuant to, or of a requirement of, former 1943 PA 202, the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140, the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, or any other law governing the issuance of bonds or notes.

(i) The local government has violated the conditions of an order issued in the effectuation of the purposes of the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, by the local emergency financial assistance loan board created by the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942.

(j) The local government has violated the requirements of sections 17 to 20 of the uniform budgeting and accounting act, 1968 PA 2, MCL 141.437 to 141.440, and the state treasurer has forwarded a report of this violation to the attorney general.

(k) The local government has failed to comply with the requirements of section 21 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.921, for filing or instituting a deficit recovery plan.

(l) The local government fails to provide an annual financial report or audit that conforms with the minimum procedures and standards of the state treasurer and is required under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a, or 1919 PA 71, MCL 21.41 to 21.55.

(m) The local government is delinquent in the distribution of tax revenues, as required by law, that it has collected for another taxing jurisdiction, and that taxing jurisdiction requests a preliminary review.

(n) A court has ordered an additional tax levy without the prior approval of the governing body of the local government.

(2) In conducting a preliminary review under this section, the state treasurer shall give the local government specific written notification of the review, and the state treasurer shall meet with the local government. At this meeting, the state treasurer shall receive, discuss, and consider information provided by the local government concerning the existence of and seriousness of financial conditions within the local government.

(3) When the state treasurer conducts a preliminary review under this section, he or she shall inform the governor within 30 days after beginning the preliminary review whether or not his or her investigation has determined that a serious financial problem may exist because 1 or more conditions indicative of a serious financial problem exist within the local government.

History: 1990, Act 72, Imd. Eff. May 15, 1990;—Am. 2002, Act 408, Imd. Eff. June 3, 2002.

141.1213 Review team; appointment; conditions to undertaking local financial management review; effect of former law.

Sec. 13. (1) The governor shall appoint a review team of the state treasurer, the auditor general, a nominee of the senate majority leader, a nominee of the speaker of the house of representatives, and other state officials or other persons with relevant professional experience to serve as a review team to undertake a local financial management review if 1 or more of the following occur:

(a) The governing body of a local government, by resolution, requests assistance under this article in meeting the ordinary needs of government. The resolution shall identify the existing financial conditions that make the request for assistance necessary. The resolution under this subsection shall be subject to the legislative vote requirement and the executive approval requirement applicable to enactment of an ordinance by the local government.

(b) The governor has been informed by the state treasurer pursuant to section 12 that he or she has conducted a preliminary review of a local government financial situation and has determined that 1 or more conditions indicative of a serious financial problem may exist within the local government.

(2) A review team appointed under the local government fiscal responsibility act, former Act No. 101 of the Public Acts of 1988, and serving on the effective date of this act shall continue under this act to fulfill their powers and duties. All proceedings and actions taken by the governor, the state treasurer, or a review team under former Act No. 101 of the Public Acts of 1988 before the effective date of this act are ratified and are enforceable as if the proceedings and actions were taken under this act, and a consent agreement entered into under former Act No. 101 of the Public Acts of 1988 is ratified and is binding and enforceable under this act.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1214 Review team; functions; report to governor; contents; time; copies of report; conclusion.

Sec. 14. (1) The review team appointed by the governor shall have full power in its review to perform all of the following functions:

(a) Examine the books and records of the local government.

(b) Utilize the services of other state agencies and employees.

(c) Sign a consent agreement with the chief administrative officer of the local government. The agreement may provide for remedial measures considered necessary including a long-range financial recovery plan requiring specific local actions. The agreement may utilize state financial management and technical assistance as necessary in order to alleviate the local financial problem. The agreement may also provide for periodic fiscal status reports to the state treasurer. In order for the consent agreement to go into effect, it shall be approved, by resolution, by the governing body of the local government.

(2) In the report to the governor under subsection (3) on the financial conditions of the local government, the review team shall inform the governor if 1 or more of the following conditions indicative of a serious financial problem exist, or have occurred, or are likely to exist or occur, if remedial action is not taken:

(a) A default in the payment of principal or interest upon bonded obligations or notes for which no funds or insufficient funds are on hand and segregated in a special trust fund.

(b) Failure for a period of 30 days or more beyond the due date to transfer 1 or more of the following to the appropriate agency:

(i) Taxes withheld on the income of employees.

(ii) Taxes collected by the government as agent for another governmental unit, school district, or other entity or taxing authority.

(iii) Any contribution required by a pension, retirement, or benefit plan.

(c) Failure for a period of 30 days or more to pay wages and salaries or other compensation owed to employees or retirees.

(d) The total amount of accounts payable for the current fiscal year, as determined by the state treasurer's uniform chart of accounts, is in excess of 10% of the total expenditures of the local government in that fiscal year.

(e) Failure to eliminate an existing deficit in any fund of the local government within the 2-year period preceding the end of the local government's fiscal year during which the review team report is received.

(f) Projection of a deficit in the general fund of the local government for the current fiscal year in excess of 10% of the budgeted revenues for the general fund.

(3) The review team shall report its findings to the governor within 60 days after their appointment, or earlier if required by the governor. Upon request, the governor may grant 1 30-day extension of this time limit. A copy of the report to the governor shall be sent to the chief administrative officer and the governing body of the local government, the speaker of the house of representatives, and the senate majority leader. The review team shall include 1 of the following conclusions in its report:

- (a) A serious financial problem does not exist in the local government.
- (b) A serious financial problem exists in the local government, but a consent agreement containing a plan to resolve the problem has been adopted pursuant to section 14(1)(c).
- (c) A local government financial emergency exists because no satisfactory plan exists to resolve a serious financial problem.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1215 Determination by governor; notice; findings of fact; statement; hearing; confirmation or revocation of determination; report.

Sec. 15. (1) Within 30 days after receipt of the report provided for in section 14, the governor shall make 1 of the following determinations:

- (a) A serious financial problem does not exist in the local government.
- (b) A serious financial problem exists in the local government, but a consent agreement containing a plan to resolve the problem has been adopted pursuant to section 14(1)(c).
- (c) A local government financial emergency exists because no satisfactory plan to resolve a serious financial problem exists.

(2) If the governor determines pursuant to subsection (1) that a financial emergency exists, the governor shall provide the governing body and chief administrative officer of the local unit with a written notification of the determination, findings of fact utilized as the basis upon which this determination was made, a concise and explicit statement of the underlying facts supporting the factual findings, and notice that the chief administrative officer or the governing body of the local government has 10 days after the date of this notification to request a hearing conducted by the governor or the governor's designate. Following the hearing, or if no hearing is requested following the expiration of the deadline by which a hearing may be requested, the governor shall either confirm or revoke, in writing, the determination of the existence of a local financial emergency. If confirmed, the governor shall provide a written report of the findings of fact of the continuing or newly developed conditions or events providing a basis for the confirmation of a local financial emergency, and a concise and explicit statement of the underlying facts supporting these factual findings.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1216 Failure to abide by provisions of consent agreement.

Sec. 16. If, at any time following determination by the governor that a serious financial problem exists under section 15(1)(b), the state treasurer or the review team informs the governor that the local government is not abiding by the provisions of a consent agreement, the governor shall determine that a financial emergency exists in the local government, and section 15(2) and section 18 shall then apply to that local government.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1217 Appeal; setting aside determination.

Sec. 17. A local government for which a financial emergency determination pursuant to section 15 or 16 has been confirmed to exist by the governor may appeal this determination to the circuit court for the county in which the local government is located or to the circuit court for the county of Ingham. The court shall not set aside a determination of the governor unless it finds that the determination is either of the following:

- (a) Not supported by competent, material, and substantial evidence on the whole record.
- (b) Arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1218 Assigning responsibility for managing local government financial emergency; appointment, qualifications, and term of emergency financial manager; compensation and expenses; staff and professional assistance.

Sec. 18. (1) If the governor determines that a financial emergency exists under section 15, the governor shall assign the responsibility for managing the local government financial emergency to the local emergency financial assistance loan board created under the emergency municipal loan act, Act No. 243 of the Public Acts of 1980, being sections 141.931 to 141.942 of the Michigan Compiled Laws. The local emergency financial assistance loan board shall appoint an emergency financial manager. The emergency financial manager shall be chosen solely on the basis of his or her competence and shall not have been either an elected or appointed official or employee of the local government for which appointed for not less than 5 years before the appointment. The emergency financial manager need not be a resident of the local government for which he or she is appointed. The emergency financial manager shall serve at the pleasure of the local emergency

financial assistance loan board. The emergency financial manager shall be entitled to compensation and reimbursement for actual and necessary expenses from the local government as approved by the local emergency financial assistance loan board. In addition to staff otherwise authorized by law, with the approval of the local emergency financial assistance loan board, the emergency financial manager may appoint additional staff and secure professional assistance considered necessary to implement this article.

(2) An emergency financial manager appointed under the local government fiscal responsibility act, former Act No. 101 of the Public Acts of 1988, and serving on the effective date of this act, except as provided in subsection (1), shall continue under this act to fulfill his or her powers and duties.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1219 Orders.

Sec. 19. The emergency financial manager shall issue to the appropriate officials or employees of the local government the orders the manager considers necessary to accomplish the purposes of this act, including, but not limited to, orders for the timely and satisfactory implementation of a financial plan developed pursuant to section 20. An order issued under this section is binding on the local officials or employees to whom it is issued.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1220 Written financial plan.

Sec. 20. (1) In consultation with the local government, the emergency financial manager shall develop, and may from time to time amend, a written financial plan for the local government. The financial plan shall provide for both of the following:

(a) Conducting the operations of the local government within the resources available according to the emergency financial manager's revenue estimate.

(b) The payment in full of the scheduled debt service requirements on all bonds and notes of the local government and all other uncontested legal obligations.

(2) After the initial development of a financial plan, the plan shall be regularly reexamined by the emergency financial manager in consultation with the local government, and if the emergency financial manager reduces his or her revenue estimates, the emergency financial manager shall modify the financial plan to conform to revised revenue estimates.

(3) The financial plan shall be in a form and shall contain that information for each year during which year the financial plan is in effect that the local emergency financial manager specifies.

(4) The emergency financial manager shall make public the plan or modified plan. This subsection shall not be construed to mean that the emergency financial manager must receive public approval before he or she implements the financial plan or any modification of the plan.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1221 Additional actions by emergency financial manager.

Sec. 21. (1) An emergency financial manager may take 1 or more of the following additional actions with respect to a unit of local government in which a financial emergency has been determined to exist:

(a) Analyze factors and circumstances contributing to the financial condition of the unit of local government and recommend steps to be taken to correct the condition.

(b) Amend, revise, approve, or disapprove the budget of the unit of local government, and limit the total amount appropriated or expended during the balance of the financial emergency.

(c) Require and approve or disapprove, or amend or revise a plan for paying all outstanding obligations of the unit of local government.

(d) Require and prescribe the form of special reports to be made by the finance officer of the unit of local government to its governing body, the creditors of the unit of local government, the emergency financial manager, or the public.

(e) Examine all records and books of account, and require under the procedures of the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a, or 1919 PA 71, MCL 21.41 to 21.55, or both, the attendance of witnesses and the production of books, papers, contracts, and other documents relevant to an analysis of the financial condition of the unit of local government.

(f) Make, approve, or disapprove any appropriation, contract, expenditure, or loan, the creation of any new position, or the filling of any vacancy in a permanent position by any appointing authority.

(g) Review payrolls or other claims against the unit of local government before payment.

(h) Exercise all of the authority of the unit of local government to renegotiate existing labor contracts and act as an agent of the unit of local government in collective bargaining with employees or representatives and

approve any contract or agreement.

(i) Notwithstanding the provisions of any charter to the contrary, consolidate departments of the unit of local government or transfer functions from 1 department to another and to appoint, supervise, and, at his or her discretion, remove heads of departments other than elected officials, the clerk of the unit of local government, and any ombudsman position in the unit of local government.

(j) Employ or contract for, at the expense of the unit of local government and with the approval of the local emergency financial assistance loan board, auditors and other technical personnel considered necessary to implement this article.

(k) Require compliance with the orders of the emergency financial manager by court action if necessary.

(l) Except as restricted by charter or otherwise, sell or otherwise use the assets of the unit of local government to meet past or current obligations, provided the use of assets for this purpose does not endanger the public health, safety, or welfare of residents of the unit of local government.

(m) Apply for a loan from the state on behalf of the unit of local government, subject to the conditions of the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, in a sufficient amount to pay the expenses of the emergency financial manager and for other lawful purposes.

(n) Approve or disapprove of the issuance of obligations of the unit of local government on behalf of the municipality, subject to the conditions of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.

(o) Enter into agreements with other units of local government for the provision of services.

(p) Exercise the authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances or resolutions affecting the financial condition of the unit of local government as provided in the following acts:

(i) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.

(ii) The fourth class city act, 1895 PA 215, MCL 81.1 to 113.20.

(iii) The charter township act, 1947 PA 359, MCL 42.1 to 42.34.

(iv) 1851 PA 156, MCL 46.1 to 46.32.

(v) 1966 PA 293, MCL 45.501 to 45.521.

(vi) The general law village act, 1895 PA 3, MCL 61.1 to 74.25.

(vii) The home rule village act, 1909 PA 278, MCL 78.1 to 78.28.

(q) Reduce, suspend, or eliminate the salary, or other compensation of the chief administrative officer and members of the governing body of the unit of local government during the financial emergency. This subdivision does not authorize an emergency financial manager to impair vested retirement benefits. If an emergency financial manager has reduced, suspended, or eliminated the salary or other compensation of the chief administrative officer and members of the governing body of a unit of local government before the effective date of the amendatory act that added this subdivision, the reduction, suspension, or elimination is valid to the same extent had it occurred after the effective date of the amendatory act that added this subdivision.

(2) If a financial emergency exists under the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, the emergency financial manager shall make a determination as to whether possible criminal conduct contributed to the financial emergency. If the manager determines that there is reason to believe that criminal conduct has occurred, the manager shall refer the matter to the attorney general and the local prosecuting attorney for investigation. The determination required under this subsection shall be made by 1 of the following dates, whichever is later:

(a) Within 90 days after the effective date of the amendatory act that added this subsection.

(b) Within 180 days after the date the emergency financial manager is appointed.

(3) Not later than 90 days after the completion of the emergency financial manager's term, the governing body of the unit of local government shall review any ordinance implemented by the emergency financial manager during his or her term, except any ordinance enacted to assure the payment of principal and interest on bonds.

History: 1990, Act 72, Imd. Eff. May 15, 1990;—Am. 2002, Act 408, Imd. Eff. June 3, 2002;—Am. 2003, Act 282, Imd. Eff. Jan. 8, 2004.

141.1222 Authorization to proceed under federal law; local government as debtor; notice.

Sec. 22. (1) After giving written notice to the local emergency financial assistance loan board, the emergency financial manager may authorize the local government to proceed under title 11 of the United States Code, 11 U.S.C. 101 to 1330, unless this authorization is disapproved by the local emergency financial assistance loan board within 60 days after the notice has been received by the board. This section empowers the local government for which an emergency financial manager has been appointed to become a debtor under

title 11 of the United States Code as required by section 109 of title 11 of the United States Code, 11 U.S.C. 109.

(2) The notice to the local emergency financial assistance loan board under subsection (1) shall include a determination by the emergency financial manager that no feasible financial plan can be adopted that can satisfactorily resolve the financial emergency in a timely manner, or a determination by the emergency financial manager that an adopted financial plan, in effect for at least 180 days, cannot be implemented, as written or as it might be amended, in a manner that can satisfactorily resolve the financial emergency in a timely manner.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1223 Liability.

Sec. 23. The state, the members of the local emergency financial assistance loan board, and the emergency financial manager are not liable for any obligation of or claim against a local government resulting from actions taken in accordance with the terms of this article.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1224 Failure of elected officials to provide assistance and information as gross neglect of duty; report; review and hearing; removal from office; filling vacancy.

Sec. 24. Elected officials of a local government shall provide the assistance and information necessary and properly requested by a review team, the local emergency financial assistance loan board, or the emergency financial manager in the effectuation of their duties and powers and of the purposes of this article. Failure of an elected official of a local government to abide by this article shall be considered gross neglect of duty, which the emergency financial manager shall report to the local emergency financial assistance loan board. Following review and a hearing with the local government elected official, the local emergency financial assistance loan board may recommend to the governor that the governor remove the elected official from office. If the governor removes the elected official from office, the resulting vacancy in office shall be filled as prescribed by law.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1225 Revoking declaration of financial emergency; recommendation.

Sec. 25. The governor may determine that the conditions for revoking the declaration of a financial emergency have been met after receiving a recommendation from the local emergency financial assistance loan board.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1226 Power to impose taxes.

Sec. 26. This act shall not be construed to give the emergency financial manager or the local financial assistance loan board the power to impose taxes, over and above those already authorized, without the approval at an election of a majority of the qualified electors voting on the question.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

ARTICLE 3 SCHOOL DISTRICT PROVISIONS

141.1231 Definitions.

Sec. 31. As used in this article:

- (a) "Emergency financial manager" means the emergency financial manager appointed under section 34.
- (b) "Review team" means the review team designated under section 34.
- (c) "School board" means the governing body of a school district.
- (d) "School district" or "district" means a local school district established under part 2, 3, 4, 5, or 6 of the school code of 1976, being sections 380.71 to 380.485 of the Michigan Compiled Laws, or a local act school district as defined in section 5 of the school code of 1976, being section 380.5 of the Michigan Compiled Laws.
- (e) "School fiscal year" means a fiscal year that commences July 1 and continues through June 30.
- (f) "State board" means the state board of education.
- (g) "The school code of 1976" means Act No. 451 of the Public Acts of 1976, being sections 380.1 to 380.1852 of the Michigan Compiled Laws.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1232 Responsibility for monitoring and reviewing financial condition of school districts.

Sec. 32. The superintendent of public instruction is responsible for monitoring and periodically reviewing the financial condition of school districts to ensure their compliance with state laws regulating budgetary and accounting practices and their financial soundness.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1233 Determination of serious financial problem; conditions; notice.

Sec. 33. (1) The superintendent of public instruction may determine that a school district has a serious financial problem if he or she finds that 1 or more of the following conditions exist:

(a) The school district ended the most recently completed school fiscal year with a deficit in 1 or more of its funds and the superintendent of public instruction has not approved a deficit elimination plan within 3 months after the district's deadline for submission of its annual financial statement.

(b) The school board of the school district adopts a resolution declaring that the school district is in a financial emergency.

(c) The superintendent of public instruction receives a petition containing specific allegations of school district financial distress signed by a number of registered electors residing within the school district equal to not less than 10% of the total vote cast for all candidates for governor within the school district at the last preceding election at which a governor was elected. Petitions shall not be filed under this subdivision within 60 days before any election of the school district.

(d) The superintendent of public instruction receives a written request, from a creditor of the school district with an undisputed claim against the school district, to find the school district has a serious financial problem. The superintendent of public instruction may honor this request only if the claim remains unpaid 6 months after its due date, the claim exceeds the greater of \$10,000.00 or 1% of the annual general fund budget of the school district, and the creditor notifies the school district in writing at least 30 days before he or she requests the superintendent of public instruction to find that the school district has a serious financial problem.

(e) The superintendent of public instruction receives written notification from a trustee, paying agent, note or bondholder, or the state treasurer of a violation of 1 or more of the school district's bond or note covenants.

(f) The superintendent of public instruction receives a resolution from either the senate or the house of representatives requesting a review under this section of the financial condition of the school district.

(g) The school district is in violation of the conditions of an order issued pursuant to, or as a requirement of, former 1943 PA 202, the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140, the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, or any other law governing the issuance of bonds or notes.

(h) The school district is in violation of the requirements of sections 17 to 20 of the uniform budgeting and accounting act, 1968 PA 2, MCL 141.437 to 141.440.

(i) The school district fails to provide an annual financial report or audit that conforms with the minimum procedures and standards of the state board and is required under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, and the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

(j) A court has ordered an additional tax levy without the prior approval of the school board of the school district.

(2) Upon determining that a school district has a serious financial problem, the superintendent of public instruction shall notify the governor and the state board of that determination and of the basis for and findings supporting the determination.

History: 1990, Act 72, Imd. Eff. May 15, 1990;—Am. 1992, Act 265, Eff. Jan. 1, 1993;—Am. 2002, Act 408, Imd. Eff. June 3, 2002.

141.1234 Review team; appointment; composition; purpose; conditions; functions; report of findings; time; copies of report; conclusion.

Sec. 34. (1) Within 30 days after an occurrence described in this subsection, the governor shall appoint a review team composed of the superintendent of public instruction, the state treasurer, the director of the department of management and budget, a nominee of the senate majority leader, and a nominee of the speaker of the house of representatives to review the financial condition of a school district if 1 or more of the following occur:

(a) The governor is informed by the superintendent of public instruction pursuant to section 33(2) that he or she has determined that the school district has a serious financial problem.

(b) The school district is in default in the payment of interest on or principal of any obligation of the school district.

(c) The school district fails to pay its employees within 5 days of any regularly scheduled payday.

(d) The school district fails to make any contribution required by a pension, retirement, or benefit plan in accordance with state law.

(e) The superintendent of public instruction determines that the school district has failed to comply substantively with the terms of an approved deficit elimination plan required under section 102 of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being section 388.1702 of the Michigan Compiled Laws.

(f) The state treasurer notifies the governor that the appointment of a review team is necessary to protect the credit of the school district or the state, or both.

(2) The review team appointed by the governor pursuant to subsection (1) shall have full power in its review to perform all of the following functions:

(a) Examine the books and records of the school district.

(b) Utilize the services of other state agencies and employees and employ professionals necessary to assist in its duties.

(c) Sign a consent agreement with the superintendent of the school district. The agreement may provide for remedial measures considered necessary, including, but not limited to, a long-range financial recovery plan requiring specific actions. The agreement may utilize state financial management and technical assistance as necessary in order to alleviate the financial problem of the school district. The agreement may also provide for periodic fiscal status reports to the superintendent of public instruction. Before the consent agreement becomes effective, the school board of the school district, by a majority vote of the total number of members authorized by law to serve on the board, shall approve the agreement.

(3) The review team shall report its findings to the governor and the state board within 30 days after its appointment, or earlier if required by the governor. Upon request, the governor may grant 1 60-day extension of this time limit. The review team shall send a copy of its report to the superintendent of public instruction, the school board of the school district, the senate majority leader, and the speaker of the house of representatives. The review team shall include 1 of the following conclusions in its report:

(a) The school district does not have a serious financial problem.

(b) The school district does have a serious financial problem, but a consent agreement containing a plan to resolve the problem has been adopted pursuant to subsection (2)(c).

(c) The school district has a financial emergency because a consent agreement containing a plan to resolve a serious financial problem within the school district has not been adopted.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1235 Determination by superintendent of public instruction; notice; findings of fact; statement; hearing; confirmation or revocation of determination; report.

Sec. 35. (1) Within 30 days after the state board receives the review team's report required by section 34(3), the superintendent of public instruction shall make 1 of the following determinations:

(a) The school district does not have a serious financial problem.

(b) The school district does have a serious financial problem, but a consent agreement containing a plan to resolve the problem has been adopted pursuant to section 34(2)(c).

(c) The school district has a financial emergency because a consent agreement containing a plan to resolve a serious financial problem within the school district has not been adopted.

(2) If the superintendent of public instruction determines pursuant to subsection (1) that a financial emergency exists, the superintendent of public instruction shall provide the school board of the school district with written notification of the determination, findings of fact utilized as the basis upon which this determination was made, a concise and explicit statement of the underlying facts supporting the findings of fact, and notice that the school board of the school district has 10 days after the date of this notification to request a hearing conducted by the superintendent of public instruction or his or her designee to contest the superintendent's determination. After the hearing, or if no hearing is requested, after the expiration of the deadline by which a hearing may be requested, the superintendent of public instruction shall either confirm or revoke, in writing, the determination that the school district has a financial emergency. If the determination is confirmed, the superintendent of public instruction shall provide a written report to the school board of the school district of the findings of fact of the continuing or newly developed conditions or events that provide the basis for the confirmation of the determination, and a concise and explicit statement of the underlying facts supporting these findings of fact.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1236 Failure to abide by consent agreement.

Sec. 36. If, at any time following a determination by the superintendent of public instruction under section 35(1)(b) that the school district has a financial emergency, the superintendent of public instruction informs the governor and the state board that the school district is not abiding by the consent agreement, section 35(2) and section 38 shall then apply to that school district.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1237 Appeal; setting aside determination.

Sec. 37. The board of a school district that the superintendent of public instruction has determined has a financial emergency may appeal this determination to the circuit court for a county in which the school district is located. The court shall not set aside a determination of the superintendent of public instruction unless it finds that the determination is either 1 of the following:

- (a) Not supported by competent, material, and substantial evidence on the whole record.
- (b) Arbitrary, capricious, or clearly an abuse of unwarranted exercise of discretion.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1238 Emergency financial manager; nominees; appointment, qualifications, and term; contract; compensation and expenses; staff and professional assistance.

Sec. 38. (1) If the superintendent of public instruction determines under section 35 or 36 that a school district has a financial emergency, the superintendent of public instruction, within 30 days after that determination, shall submit to the state board the names of nominees who shall be considered for appointment to serve as an emergency financial manager for the school district. From the list of nominees submitted to the state board, the state board shall submit to the governor the names of not more than 3 nominees who shall be considered for appointment to serve as an emergency financial manager for the school district. From the list of nominees submitted to the governor, the governor shall appoint, with the advice and consent of the senate, an emergency financial manager for the school district who shall hold office for a term fixed by the governor, but not to exceed 1 year. The appointment shall be by written contract and may be renewed on an annual basis for not more than 1 year.

(2) An emergency financial manager appointed under this article shall be chosen solely on the basis of his or her competence in fiscal matters and shall not have been either an elected or appointed official or employee of the school district for which he or she is appointed for not less than 5 years before the appointment. The emergency financial manager shall not be the superintendent of public instruction. The emergency financial manager need not be a resident of the school district for which he or she is appointed.

(3) Unless the legislature provides special funding, an emergency financial manager shall receive compensation and reimbursement for actual and necessary expenses from the school district as approved by the superintendent of public instruction. In addition to staff otherwise authorized by law, with the approval of the superintendent of public instruction, the emergency financial manager may appoint additional staff and secure professional assistance considered necessary to implement this article.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1239 Orders.

Sec. 39. The emergency financial manager shall issue to the appropriate officials or employees of the school district the orders that he or she considers necessary to accomplish the purposes of this article, including, but not limited to, orders for the timely and satisfactory implementation of a financial plan developed pursuant to section 40. An order issued under this section is binding on the school district officials or employees to whom it is issued.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1240 Written financial plan.

Sec. 40. (1) In consultation with the school board, the emergency financial manager shall develop, and may from time to time amend, a written financial plan for the school district. The financial plan shall provide for both of the following:

- (a) Conducting the operations of the school district within the resources available according to the emergency financial manager's revenue estimate.
- (b) The payment in full of the scheduled debt service requirements on all bonds and notes of the school district and all other uncontested legal obligations.

(2) After the initial development of the financial plan required by subsection (1), the emergency financial manager in consultation with the school board shall regularly reexamine the plan, and if the emergency financial manager reduces his or her revenue estimates, he or she shall modify the financial plan to conform to

revised revenue estimates.

(3) The financial plan shall be in a form, and shall contain that information for each year the plan is in effect, that the school district's emergency financial manager specifies.

(4) The emergency financial manager shall make public the plan or modified plan. This subsection shall not be construed to mean that the emergency financial manager must receive public approval before he or she implements the financial plan or any modification to the plan.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1241 Control over fiscal matters; fiscal decisions; actions by emergency financial manager; authorization to proceed under federal law; school district as debtor.

Sec. 41. (1) Upon appointment under section 38, an emergency financial manager shall immediately assume control over all fiscal matters of, and make all fiscal decisions for, the school district for which he or she is appointed.

(2) In implementing this article and performing his or her functions under this article, an emergency financial manager may take 1 or more of the following actions:

(a) Examine the books and records of the school district.

(b) Review payrolls or other claims against the school district before payment.

(c) Negotiate, renegotiate, approve, and enter into contracts on behalf of the school district.

(d) Receive and disburse on behalf of the school district all federal, state, and local funds earmarked for the school district. These funds may include, but are not limited to, funds for specific programs and the retirement of debt.

(e) Adopt a final budget for the next school fiscal year and amend any adopted budget of the school district.

(f) Act as an agent of the school district in collective bargaining and, to the extent possible under state labor law, renegotiate existing and negotiate new labor agreements.

(g) Analyze factors contributing to the financial condition of the school district and recommend to the legislature steps that need to be taken to improve the district's financial condition.

(h) Require compliance with his or her orders, by court action if necessary.

(i) Require the attendance of witnesses and the production of books, papers, contracts, and other documents relevant to an analysis of the financial condition of the school district.

(j) Recommend to the governor, the legislature, and the state board that the school district be reorganized with 1 or more contiguous school districts.

(k) Consolidate divisions or transfer functions from 1 division to another division within the school district and appoint, supervise, and, at his or her discretion, remove, within legal limitations, heads of divisions of the school district.

(l) Create a new position or approve or disapprove the creation of any new position or the filling of a vacancy in a permanent position by an appointing authority.

(m) Seek approval from the state board for a reduced class schedule in accordance with administrative rules governing the distribution of state school aid.

(n) Employ or contract for, at the expense of the school district and with the approval of the superintendent of public instruction, auditors and other technical personnel considered necessary to implement this article.

(o) Reduce expenditures in the budget of the school district.

(p) Borrow money on behalf of the school district.

(q) Approve or disapprove of the issuance of obligations of the school district.

(r) Order, as necessary, 1 or more school millage elections for the school district consistent with the school code of 1976, the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.1 to 168.992 of the Michigan Compiled Laws, and sections 6 and 25 through 34 of article IX of the state constitution of 1963.

(s) Sell or otherwise use the assets of the school district to meet past or current obligations, provided the use of assets for this purpose does not impair the education of the pupils of the district.

(t) Exercise the authority and responsibilities affecting the financial condition of the school district that are prescribed by law to the school board and superintendent of the school district.

(3) After giving written notice to the superintendent of public instruction, the emergency financial manager may authorize the school district to proceed under chapter 9 of title 11 of the United States Code, 11 U.S.C. 901 to 904, 921 to 932, and 941 to 946. This section empowers the school district for which an emergency financial manager has been appointed to become a debtor under chapter 9 of title 11 of the United States Code.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1242 Revoking declaration of financial emergency; recommendation; resolution.

Sec. 42. The superintendent of public instruction may determine and certify that the conditions for revoking the declaration of a financial emergency have been met after receiving a recommendation from the emergency financial manager. The emergency financial manager may condition his or her recommendation to the superintendent of public instruction upon the school board's adoption of a resolution that will ensure the adoption of a balanced budget, elimination of any remaining accumulated deficit, and the prevention of additional negative fund balances.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1243 Assistance and information; compliance.

Sec. 43. The superintendent of public instruction; the department of education; and the school board, administrators, and employees of a school district that has a financial emergency shall provide the assistance and information considered necessary and requested by the emergency financial manager in the effectuation of his or her powers and duties under this article. The school board shall comply with orders issued by the emergency financial manager and may take those actions necessary to comply with this article and as may be prescribed by the review team, the superintendent of public instruction, or the emergency financial manager in implementing this article.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

141.1244 Liability.

Sec. 44. The state, the superintendent of public instruction, and an emergency financial manager are not liable for any obligation of or claim against a school district resulting from actions taken in accordance with this article.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

ARTICLE 6
MISCELLANEOUS PROVISIONS

141.1291 Repeal of §§ 141.1101 to 141.1118.

Sec. 91. Act No. 101 of the Public Acts of 1988, being sections 141.1101 to 141.1118 of the Michigan Compiled Laws, is repealed.

History: 1990, Act 72, Imd. Eff. May 15, 1990.

Act No. 25
Public Acts of 1990
Approved by the Governor
March 13, 1990
Filed with the Secretary of State
March 13, 1990
STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990

Introduced by Reps. O'Neill, Jondahl, Gilmer, Barns, Trim, DeBeaussiaert, Martin, Kosteva, Munsell,
Keith and Jonker

ENROLLED HOUSE BILL No. 4009

AN ACT to amend sections 627, 1204a, and 1233 of Act No. 451 of the Public Acts of 1976, entitled as amended "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and classify the laws relating to elementary and secondary education; to provide for the classification, organization, regulation, and maintenance of schools, school districts, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, and intermediate school districts; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal certain acts and parts of acts," section 1204a as added by Act No. 159 of the Public Acts of 1989 and section 1233 as amended by Act No. 56 of the Public Acts of 1987, being sections 380.627, 380.1204a, and 380.1233 of the Michigan Compiled Laws; to add sections 1233b, 1277, 1278, and 1280; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. Sections 627, 1204a, and 1233 of Act No. 451 of the Public Acts of 1976, section 1204a as added by Act No. 159 of the Public Acts of 1989 and section 1233 as amended by Act No. 56 of the Public Acts of 1987, being sections 380.627, 380.1204a, and 380.1233 of the Michigan Compiled Laws, are amended and sections 1233b, 1277, 1278, and 1280 are added to read as follows:

Sec. 627. (1) An intermediate school board shall do all of the following:

(a) Upon request of the board of a constituent district, furnish services on a management, consultant, or supervisory basis to the district. The intermediate school board may charge a constituent district for the costs of services furnished under this subdivision.

(b) Upon request of the board of a constituent district, direct, supervise, and conduct cooperative educational programs on behalf of the district. The intermediate school board may utilize available funds not otherwise obligated by law and accept contributions from other sources for the purpose of financing the programs. The funds shall be deposited with the treasurer in a cooperative education fund and shall be disbursed as the intermediate school board directs. The intermediate school board may employ personnel and take other action necessary to direct, supervise, and conduct cooperative educational programs.

(c) Conduct cooperative programs mutually agreed upon by 2 or more intermediate school boards.

(2) Upon request of the board of a constituent school district, an intermediate school board may provide, either solely or as part of a consortium of intermediate school districts, comprehensive school improvement support services to the district. These services may include, but are not limited to, all of the following:

- (a) The development of a core curriculum.
- (b) The evaluation of a core curriculum.
- (c) The preparation of 1 or more school improvement plans.
- (d) The dissemination of information concerning 1 or more school improvement plans.
- (e) The preparation of an annual educational report.
- (f) Professional development.
- (g) Educational research.
- (h) The compilation of instructional objectives, instructional resources, pupil demographics, and pupil academic achievement.
- (i) Assistance in obtaining school accreditation.
- (j) The provision of general technical assistance.

Sec. 1204a. (1) The board of a school district that does not want to forfeit a percentage of the school district's state school aid as described in section 19 of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being section 388.1619 of the Michigan Compiled Laws, or that wants to receive and is eligible for additional state school aid for quality programs as provided in sections 21(1) and 21a of the state school aid act of 1979, being sections 388.1621 and 388.1621a of the Michigan Compiled Laws, shall prepare, make available to the state board and the public, and provide that each school in the school district distributes to the public at an open meeting an annual educational report. The annual educational report shall include, but is not limited to, all of the following information for each public school in the school district:

(a) The accreditation status of each school within the school district, the process by which pupils are assigned to particular schools, and a description of each specialized school.

(b) The status of the 3- to 5-year school improvement plan as described in section 1277 for each school within the school district.

(c) A copy of the core curriculum and a description of its implementation and the variances from the model core curriculum developed by the state board pursuant to section 1278(2).

(d) A report for each school of aggregate student achievement based upon the results of any locally-administered student competency tests, statewide assessment tests, or nationally normed achievement tests that were given to pupils attending school in the school district.

(e) For the year in which the report is filed and the previous school year, the district membership retention report as defined in section 6 of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being section 388.1606 of the Michigan Compiled Laws.

(f) The number and percentage of parents, legal guardians, or persons in loco parentis with pupils enrolled in the school district who participate in parent-teacher conferences for pupils at the elementary, middle, and secondary school level, as appropriate.

(g) A comparison with the immediately preceding school year of the information required by subdivisions (a) through (f).

(2) Within 90 days after the effective date of the amendatory act that added this section, the state board shall prepare and make available to school districts suggestions for accumulating the information listed in subsection (1) and a model educational report for school districts to consider in the implementation of this section.

Sec. 1233. (1) Except as provided in subsection (3) and section 1233b, the board of a school district or intermediate school district shall not permit a teacher who does not hold a valid teaching certificate to teach in a grade or department of the school, or a teacher without an endorsement by the state board to serve in a counseling role as the role is defined by the state board.

(2) The intermediate superintendent shall notify immediately the state board of the names of noncertificated teachers and the names of nonendorsed teachers serving in counseling roles, the employing district, and the amount of time the noncertificated and nonendorsed teachers were employed.

(3) The board of a school district or intermediate school district may renew through June 30, 1995 an annual vocational authorization of a noncertificated vocational teacher who is employed by the district or intermediate school district on June 1, 1987, even if a certificated teacher is available for hire, if both of the following conditions are met:

(a) The noncertificated teacher is annually and continually enrolled and completing credit in an approved vocational teacher preparation program leading to vocational certification.

(b) The noncertificated teacher has a planned vocational teacher preparation program leading to vocational certification on file with the employing school district or intermediate school district, his or her teacher preparation institution, and the department of education.

(4) A vocational teacher preparation institution shall utilize the employment experience of an annually authorized teacher for the purpose of waiving student teaching as a requirement for vocational certification if the annually authorized teacher is supervised by the teacher preparation institution.

(5) All vocational education teachers certified after June 1, 1995 shall pass a competency test.

Sec. 1233b. (1) Except as provided in subsection (3), the board of a local or intermediate school district may engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course in computer science, a foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or any combination of these subject areas in grades 9 through 12.

(2) Subject to subsection (3), a noncertificated, nonendorsed teacher is qualified to teach pursuant to this section if he or she meets all of the following minimum requirements:

(a) Possesses an earned bachelor's degree from an accredited postsecondary institution.

(b) Has a major or a graduate degree in the field of specialization in which he or she will teach.

(c) If the teacher desires to teach for more than 1 year, has passed both a basic skills examination and a subject area examination, if a subject area examination exists, in the field of specialization in which he or she will teach.

(d) Except in the case of persons engaged to teach a foreign language, has not less than 2 years of occupational experience in the field of specialization in which he or she will teach.

(3) The requirements listed in subsection (2) for a teacher engaged to teach pursuant to this section shall be in addition to any other requirements established by the board of a local or intermediate school district, as applicable.

(4) Except as provided in subsection (5), the board of a local or intermediate school district shall not engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course identified in subsection (1) if the district is able to engage a certificated, endorsed teacher.

(5) If the board of a local or intermediate school district is able to engage a certificated, endorsed teacher to teach a course identified in subsection (1), the local or intermediate school board may continue to employ a noncertificated, nonendorsed teacher to teach the course if both of the following conditions are met:

(a) The noncertificated, nonendorsed teacher is annually and continually enrolled and completing credit in an approved teacher preparation program leading to a provisional teaching certificate.

(b) The noncertificated, nonendorsed teacher has a planned program leading to teacher certification on file with the employing school district or intermediate school district, his or her teacher preparation institution, and the department of education.

(6) If the board of a local or intermediate school district is not able to engage a certificated, endorsed teacher to teach a course identified in subsection (1), the department of education and a teacher preparation institution shall utilize the teaching experience of a noncertificated, nonendorsed teacher for the purpose of waiving student teaching as a condition for receiving a continued employment authorization in the school district and a provisional teaching certificate.

Sec. 1277. (1) Considering criteria established by the state board, the board of a school district that wants to receive and is eligible for additional state school aid for quality programs as provided in sections 21(1) and 21a of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being sections 388.1621 and 388.1621a of the Michigan Compiled Laws, shall adopt and implement a 3- to 5-year school improvement plan and continuing school improvement process for each school within the school district. The school improvement plan shall include, but is not limited to, a mission statement, goals based on student outcomes for all students, curriculum alignment corresponding with those goals, evaluation processes, staff development, and building level decision making. School board members, school building administrators, teachers and other school employees, pupils, parents of pupils attending that school, and other residents of the school district shall participate in the planning, development, implementation, and evaluation of the district's school improvement plan. Upon request of the board of a school district, the department shall assist the school district in the development and implementation of a district school improvement plan. Intermediate school districts and educational organizations may also provide assistance for these purposes. A school improvement plan described in this section shall be updated annually by the board of the school district.

(2) The school improvement plan of a school district shall be maintained on file with the intermediate school district to which the school district is constituent.

(3) The state board shall annually review a random sampling of school improvement plans. Based on its review, the state board shall annually submit a report on school improvement activities planned and accomplished by each of the school districts that were part of the sampling to the senate and house committees that have the responsibility for education legislation.

Sec. 1278. (1) The board of each school district that wants to receive and is eligible for additional state school aid for quality programs as provided in sections 21(1) and 21a of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being sections 388.1621 and 388.1621a of the Michigan Compiled Laws, shall make available to all pupils attending public school in the district a core curriculum in compliance with subsection (3).

(2) A recommended model core curriculum shall be developed by the state board and distributed to each school district in the state. The recommended core curriculum shall define the outcomes to be achieved by all pupils and be based upon the "Michigan K-12 program standards of quality" published by the state board.

(3) The board of each school district, considering the curricular outcomes defined and recommended pursuant to subsection (2), shall do both of the following:

(a) Establish a core curriculum for its pupils at the elementary, middle, and secondary school levels. The core curriculum shall define outcomes to be achieved by all pupils and be based upon the school district's educational mission, long-range student goals, and student performance objectives. The core curriculum may vary from the model core curriculum recommended by the state board pursuant to subsection (2).

(b) After consulting with teachers and school building administrators, determine the instructional program for delivering the core curriculum and identify the courses and programs in which the core curriculum will be taught.

(4) The board may supplement the core curriculum by providing instruction through additional classes and programs.

(5) A subject or course required by the core curriculum pursuant to subsection (3) shall be made available to all pupils in the school district by a school district, a consortium of school districts, or a consortium of 1 or more school districts and 1 or more intermediate school districts.

(6) The state board shall make available to all nonpublic schools in this state, as a resource for their consideration, the model core curriculum developed for public schools pursuant to subsection (2) for the purpose of assisting the governing body of a nonpublic school in developing its own core curriculum.

(7) Any course that would have been considered a nonessential elective course under Snyder v Charlotte Schools, 421 Mich 517 (1984) on the effective date of the amendatory act that added this section shall continue to be offered to resident pupils of nonpublic schools on a shared time basis.

Sec. 1280. (1) The board of a school district that wants to receive and is eligible for additional state school aid for quality programs as provided in sections 21(1) and 21a of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being sections 388.1621 and 388.1621a of the Michigan Compiled Laws, and that does not want to be subject to the measures described in subsection (6) shall ensure that each public school within the school district is accredited.

(2) As used in subsection (1), "accredited" means certified by the state board as having met or exceeded state board-approved standards established for 6 areas of school operation: administration and school organization, curricula, staff, school plant and facilities, school and community relations, and school improvement plans and student outcomes. The building-level evaluation used in the accreditation process shall include, but is not limited to, school data collection, self-study, visitation and validation, determination of outcomes data to be used, and the development of a school improvement plan.

(3) The department shall develop and distribute to all public schools proposed accreditation standards. Upon distribution of the proposed standards, the department shall hold statewide public hearings for the purpose of receiving testimony concerning the standards. After a review of the testimony, the department shall revise and submit the proposed standards to the state board. After a review and revision, if appropriate, of the proposed standards, the state board shall submit the proposed standards to the senate and house committees that have the responsibility for education legislation. Upon approval by these committees, the department shall distribute to all public schools the standards to be applied to each school for accreditation purposes.

(4) The department shall annually review and evaluate for accreditation purposes the performance of a portion of the public schools in the state, including, but not limited to, each school that did not meet accreditation standards the immediately preceding school year.

(5) The department shall, and the intermediate school district to which a school district is constituent, a consortium of intermediate school districts, or any combination thereof may, provide technical assistance, as appropriate, to a school that is not accredited upon request of the board of the unaccredited school.

(6) A school that has not met accreditation standards for 3 consecutive years is subject to 1 or more of the following measures, as determined by the state board:

(a) The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school meets accreditation standards.

(b) A parent, legal guardian, or person in loco parentis of a child who attends the school shall have the right to send his or her child to any accredited public school with an appropriate grade level within the school district.

(c) The school shall be closed.

(7) The department shall evaluate the school accreditation program and the status of schools accredited and shall submit an annual report based upon the evaluation to the senate and house committees that have the responsibility for education legislation. The report shall address the reasons each unaccredited school is not accredited and shall recommend legislative action that will result in the accreditation of all public schools in this state.

Section 2. Section 1204b of Act No. 451 of the Public Acts of 1976, being section 380.1204b of the Michigan Compiled Laws, is repealed.

Section 3. This amendatory act shall take effect upon the expiration of 30 days after the date of its enactment.

This act is ordered to take immediate effect.

.....
Clerk of the House of Representatives.

.....
Secretary of the Senate.

Approved.....

.....
Governor.



college of education | fall 2000

| [Back to Contents](#) | [The Education Policy Center at MSU](#) : 1. 2. 3 |

The Education Policy Center| Article 3

Strengthening Accountability in Michigan Public Schools

The Education Policy Center at MSU has already begun to play an active role in public policy. Earlier this year, David Plank, the center's director, and Barbara Markle, director of the College of Education's Office of k-12 Outreach, presented fellow members of the Michigan Education Alliance's Task Force on Accountability a framework for action toward an improved accountability system in Michigan. The task force was established to address the question of how to bolster the state's accountability system. Task force members included representatives from the state Board of Education, the Michigan Department of Education, and leaders of all the key constituencies in the public school system. Plank and Markle solicited and incorporate the thinking of Michigan's education leaders who sit on the task force, and drafted a plan that reflected agreement among all of the participants. The policy center, in conjunction with the task force, will work in the coming months to complete the tasks described in the framework's action plan. The following article written by Plank, and which is one of the first in the center's Policy Reports series, analyzes educational accountability, some of the persistent issues in Michigan, and the efforts of the task force. The article is reprinted as an example of the type of information the center is providing lawmakers and educational leaders. If you would like information about the policy center's research and publications, go to its Web site at www.epc.msu.edu.

Traditional Accountability No Longer Sufficient

In Michigan, public schools have traditionally been, and still are, held accountable in three major ways. Schools are democratically accountable to local voters. If the residents of a school district are dissatisfied with the performance of their local schools, they can replace the members of the elected school board. Public schools are also legally accountable for compliance with state and federal laws ranging from state statutes governing the management of public funds to federal mandates including the Individuals with Disabilities Education Act. And, educators

The Legislature attempted to address the assessment gap when it amended the law in 1995 to require that accreditation standards for schools include pupil performance on the Michigan Educational Assessment Program (meap) tests. For purposes of accreditation, the meap tests are intended to measure the extent to which students have mastered state-defined standards of knowledge and skill. Aggregated results of the tests also provide a measure of schools' and school districts' success in delivering the core curriculum and raising student performance to state-defined standards. The meap lies at the heart of standards-based accountability in Michigan today.

Unfortunately, there are three persistent issues in an accountability system that relies as heavily as Michigan's on a single test as a measure of student, school, and district performance:

- The first is the close association between meap scores and student background. Put simply, students who are economically well off do well on the meap; economically disadvantaged students do less well. This relationship is not fixed. Some students who live in poverty perform well on the meap, and some wealthy students do badly. The strength of the relationship nevertheless poses a dilemma for policy-makers, who are caught between the goal of ensuring high achievement for all students and the likelihood that high standards will condemn many poor students and the schools that serve them to "failure."
- The second issue is that a single test, however well designed, can only measure a limited set of

who work in public schools are professionally accountable to their peers, and to the norms and standards of their profession.

Under Michigan's traditional accountability mechanisms, performance expectations for public schools were decided at the local level. Some school boards set high standards for local schools and students, but others did not. The state did not intervene in these decisions. Instead, the state held schools and school districts accountable for compliance with a body of laws and regulations that aimed to ensure minimum conditions for learning for all students (e.g., districts are required to provide at least 180 days of instruction each year, and schools are required to employ licensed teachers).

Now, however, as Michigan moves from an economy based on farming and manufacturing to one increasingly based on information, success depends on the knowledge and skills of the state's workers. Public expectations about what students should know and be able to do are rising. We now expect our public school system to ensure that all students have the high-level reading, math, and critical thinking skills they will need to perform effectively in the new economy. As expectations for public schools have increased, key stakeholders including employers have argued that traditional accountability mechanisms (democratic, legal, professional) do not hold Michigan's public schools to a sufficiently high standard of performance.

The Emergence of "New Accountability"

New accountability began to emerge over the course of the last decade. The approval of Public Act 25 in 1990 marked the first key step toward a comprehensive framework for standards based accountability in Michigan's public schools. And, the establishment of charter schools along with the expansion of school choice policies by the Michigan Legislature introduced a new kind of

student accomplishments. The meap, for example, measures the extent to which students at a given grade level have mastered state-defined standards of knowledge and skill in five key areas of the model core curriculum. It does not measure the progress that students make over the course of an academic year, and it does not measure the "skill infrastructure" that students bring to the test. Measuring these other results requires an accountability system that incorporates multiple indicators, perhaps including other kinds of testing as well as school and classroom evaluations of student performance.

- The third issue is the inevitable tension between standards-based accountability and market accountability. Attaching increasingly high stakes to the curriculum standards reflected in the meap tests may limit the flexibility and adaptability of schools as they seek to respond to parental expectations. On the other hand, some schools that are successful in winning and maintaining the support of parents may do poorly when it comes to meeting the state's accountability standards. As above, a partial solution to this problem is available in the development of an accountability system that incorporates multiple indicators of student and school performance.

Strengthening the New Accountability

In May 2000 the Michigan Association of School Boards convened a Task Force on Accountability. The members of the Task Force included representatives from the State Board of Education, the Michigan Department of Education, and leaders of all of the key constituencies in the public school system. This is the first time that organizations representing all parts of the

market accountability into the public school system. Choice policies make schools more directly accountable to the consumers of education, the parents and students. Rather than waiting for the next school board election to express their dissatisfaction, families in Michigan can now move from one public school to another, taking their state funds with them. Schools that do not meet the expectations of parents lose students and revenues.

The Evolution of Public Act 25

Key elements of the original Public Act 25 framework included:

- *School Improvement.* Schools are required to develop school improvement plans, create school improvement teams including parents and teachers to implement their plans, and to measure progress toward achievement of plan objectives.
- *Core Curriculum.* The state established a model core curriculum, and proposed learning outcomes for all students. Local school districts are encouraged to align their curricula with the state's core curriculum, and to notify district residents if the curriculum is not aligned.
- *Accreditation.* Schools are regularly evaluated on the basis of their curricula, staffing, and facilities, and on their compliance with the requirements of the school improvement process.
- *Annual Education Report.* All schools are required to publish an annual report providing information to parents and community members on student achievement, parent participation, accreditation status, and other factors related to the implementation of the school improvement plan. They are also required to hold a public meeting to review the report.

With its emphasis on school improvement

public school system have formally come together to adopt a common approach to the improvement of Michigan's education system.

The Task Force addressed the question of how to build a stronger, more effective accountability system for Michigan's public school by addressing the question: "Who is responsible for what, and to whom?" An effective accountability system requires that all actors in the state's education system accept responsibility for the accomplishment of specific results. No single group can improve the performance of schools and students by themselves, without the support of others, but the system will only work when each group steps up and commits itself to be held accountable for the accomplishment of measurable goals.

The Task Force report, drafted by MSU's Education Policy Center, reflects agreement among Task Force members on the general principles that should guide the development of an accountability system. The report, which was made public in early September 2000, establishes a framework that will guide the activities of Task Force members during the coming year, as they work with their organizations to identify specific results for which each group is prepared to be held accountable, and to define indicators that can be used to measure those results.

By June 2001 the Task Force will produce a follow up report, based on the work of the organizations, that links the key actors with the objectives for which they are responsible, identifies objectives for which responsibility is shared among two or more actors, and identifies critical objectives for which accountability is not clearly assigned. The report will define measurable indicators for each of the identified objectives.

In addition, the report will include an analysis of alignment within Michigan's accountability system. This analysis will focus on the alignment of key aspects of

and parent participation, pa 25 marked a decisive move beyond simple compliance with minimum standards of time, staffing, and facilities as a basis for holding public schools accountable. pa 25 held schools accountable for developing and participating in a continuous process of school improvement that included opportunities for parent and community involvement.

Accountability Gap Persists

The main problem with the accountability framework originally defined by pa 25 was the absence of any mechanism for assessing whether the school improvement process defined by the law was effective. Did schools that participated in mandated school improvement activities improve, or not? Answering this question required a mechanism for assessing the performance of students, schools, and school districts.

the education system, including for example curriculum and assessment. It will also assess the degree of alignment between the accountability framework developed by the Task Force and other accountability mechanisms already in place in Michigan, including the assessment system being developed by Standard and Poors and the school accreditation process mandated by the Legislature.

The Task Force seeks to influence the policies set by the State Board of Education and assist the work of the Michigan Department of Education in strengthening the Michigan Accreditation System. This ambitious endeavor will require a great deal of time and effort on the part of all of the organizations represented on the Task Force. It will result in a much-needed examination of each organization's role in improving our educational system, and contribute to the development of a state accreditation program that truly supports continuous improvement in Michigan schools.



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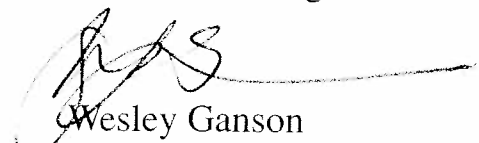
Dear President Elect Mathis,

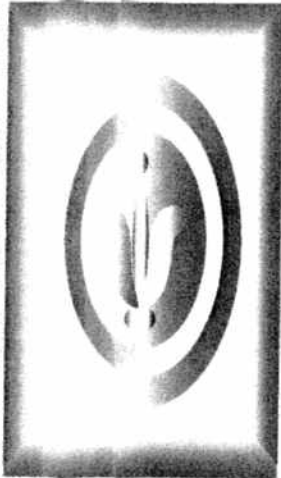
I would like to once again congratulate you on your election to the Detroit Public Schools Board of Education. Your organizational meeting held Thursday, January 7, 2010, at the Detroit School of the Arts (DSA), was truly a sign of a new start and a new beginning for the Detroit Board of Education.

The support of the community was evident in every public comment made by the general public. The Advisory Council joins with the Board in our joint celebration of community service. We, the Advisory Council of the Board of Education, enjoy well over 150 years of experience with the Detroit Public Schools.

We are requesting that we meet monthly, or on an as needed basis, to advise the Board of Education toward effective implementation of their educational plan. We would also like to invite Superintendent, Teresa Guyser, so that she can also benefit from our vast experience. She faces the dilemma of not having adequate staff to assist her in the task of running the district.

As we work together to reform the district, during these economically challenging times, I am sure that this reform measure will assist both the Board and the Superintendent's office, at no expense to the district. I look forward to us establishing a date and time to begin this process.


Wesley Ganson
Chairman





THE VOICE OF DETROIT PUBLIC SCHOOLS' ADVISORY COUNCIL

Oppositions to DPS Financial Manager, Mr. Robert Bobb

It's like dejavu; another takeover of the Detroit Public Schools (DPS). The only difference is that the prior takeover was under the Republican Governor, John Engler, who had the luxury of controlling all three branches of government. The branches included the House of Representatives, the Senate and the Governor's House. The motivating factor then, in gaining control of DPS, was the 1.5 billion dollar bond that was passed by the citizens of the city of Detroit, contrary to the reason the state gave, which was that the Detroit Public Schools was in a financial emergency. The reason now given by the Demo-

cratic Governor, Jennifer Granholm, is that once again, Detroit is in a financial emergency. The difference between the first take over and the second take over is that under the first take over, both the Senate and the House of Representatives were controlled by the Republicans. During the second take over, the Senate was controlled by the Republicans and the House of Representatives was controlled by the Democrats. Even though the differences between the first take over and the second takeover were obvious regarding who control over the House and the Senate, the motivating factor remained the same, greed.

Mr. Bobb To The Rescue

Ironically enough, Mr. Bobb was chosen almost on the hills of the first allotment of the federal stimulus dollars that were allotted to Detroit Public Schools by President elect Obama. Mr. Bobb assumed the leadership of Detroit Public Schools in March of 2009, which was in itself odd, given that the school year begins in September and ends in June. From the very beginning, Mr. Bobb came in like a game busters, bullying, intimidating and disrespecting the Detroit Board of Education, district employees, parents, and students. In addition, he cited that the district problems stemmed from a wide range of corruption and incompetence in performing the task of educating Detroit students. He equally added that the parents aided to the problem by their ineffective parenting. Lastly, he cited that the students in Detroit were illiterate and out of control. According to Mr. Bobb, we needed him to rescue us.

Inside this issue:

1. *Opposition to DPS Financial Manager, Mr. Robert Bobb*
2. *Mr. Bobb to the rescue*
3. *The pattern of CEO, Dr. Burnley continues*
4. *Highlights comparisons/points of 1st & 2nd takeovers*

The pattern of CEO, Dr. Burnley continues even after Mr. Bobb stepped in

When Mr. Bobb initially came into the district, everyone was optimistic that

Bobb here, only resulted in the same old warmed over gravy, and the thanksgiving meal was once



HIGHLIGHTS COMPARISONS/POINTS OF THE FIRST AND SECOND TAKEOVERS

- He changed the high school starting time from 8:00 am to 7:30 am. This was the first sign of Mr. Boob's lack of experience in dealing with the DPS system. Mr. Boob was unaware that many high school students ride the bus to school. He was also equally unaware of the change of time that would occur during the first semester which would cause students to be at risk, due to Daylight Savings Time. In the past, the Mayor and the superintendent worked together in resolving this dilemma. The Mayor allowed students to get on the bus during the first month of school without their school ID, free of charge, to encourage enrollment and student attendance. You would think that giving the close relationship between Mr. Boob and Mayor Bing, that this was a no-brainer. That was not the result. The result was that many of the city bus drivers were laid-off, which affected bus routes and students getting to school safely and on time. One of the state's criteria for Detroit Public Schools attaining Adequate Yearly Progress (AYP), is that each school must maintain a minimum of 90% attendance in the school's student population.

- The second irony of Mr. Boob's leadership over academics, is that he felt that he needed to set aside 93 million dollars for the four companies to assist the district's curriculum. The difference between Mr. Boob's staff is that the old curriculum staff provided supervision, instruction and oversight to the district in the day-to-day operations in the area of curriculum. On the hand, Mr. Boob's four companies only provide support to schools on a limited basis. They definitely don't oversee the day-to-day curriculum needs of high schools, or do they provide assistance to the district as it relates to direct service to the schools in the areas of curriculum. One school reported that one of Mr. Boob's companies only comes to their school once a week. I hate to inform Mr. Boob of this but, under a state mandate: Public Act 25 — it is required that each school assemble a school improvement team. This school improvement team is composed of the principal, teachers, support staff, parents, and other community stake holders. This team is the driving force of every school, not only in the DPS system, but in every school system in the STATE OF Michigan. The school improvement team performs many of the same services free of charge, unlike Mr. Boob's design team that duplicates the same services rendered by the State Mandated School improvement teams for a cost.

- Public Act 72, triggers the identification of a Financial Manager, in the school's district when a financial emergency arises. In the case of our Financial Manager, Mr. Bobb has come into our school district, and instead of reducing the deficit, he has contributed to the financial emergency, which huge expenditures. Prior to the first take over, the district had a 93 million dollar surplus and a DPS School Center Building that housed the entire district's staff at no cost to the district. There was no cost to the district because a prominent Detroit Family (The Mackabees) donated the DPS School Center Building as a gift to educate Detroit children. After Dr. Burnley left, we experienced a huge deficit and the School Center Building was eventually sold under Dr. Burnley's leadership. It was almost like the Mackabee Family knew down the road that Detroit would hit a financial hardship and the expense of a school center building was be less of a problem if there was no overhead cost.

- The last point that I would like to make emphasizes the generosity, of past and present, Detroit citizens, to their children. Under the first take over, the first bond was passed and the money was stolen. Under the second take over, I am sure that Mr. Bobb would love to take full credit for the second bond being passed. But I can attest, as a Detroitier, that most Detroiters passed the first and second bond because they wanted the best for their children.

IN CONCLUSION

In conclusion, this point brings us to today, rights' issue. The citizens voted to return to an Someone has misrepresented the truth. You sort it elected school board structure, as a result of the out! Is there a need for a 93 million dollar expense first takeover. Our ancestors suffered and died for

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IN CONCLUSION

In conclusion, this point brings us to today. Someone has misrepresented the truth. You sort it out! Is there a need for a 9.3 million dollar expense for companies that district individuals perform for the same task for free? Do we need a financial manager who further extends the deficit by extreme over spending of the district funds? Prior to Mr. Bobb's arrival to DPS, Superintendent Flannagan and Governor Jennifer Granholm, stated THAT THE BOARD WOULD MAINTAIN CONTROL OVER ACADEMICS, while Mr. Bobb oversee the finances. What happened to holding true to your word?

As it was with the first takeover, so it is with the second takeover. It is not a state issue, it is not a Governor's issue, it is not a Mayor's issue, but is a civil

rights' issue. The citizens voted to return to an elected school board structure, as a result of the first takeover. Our ancestors suffered and died for us to preserve our right to elect our own school board. Anyone who attacks our elected school board members indirectly attack and disrespects the citizens of the city of Detroit. It is the business of Detroiters, and Detroiters alone, to decide who will represent our elected school board. Not the Governor, not the Mayor, and not Mr. Bobb. All of these things were done under Mr. Bobb's leadership without parental involvement or community input. You tell me if this same process will be allowed in other school districts in the state of Michigan, who like Detroit, are under state mandated deficit elimination plans.